IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Contempt Petition No. 100 of 2007
in
Writ Petition No. 2286 of 2005

M.E.S.Employees Union
Mumbai and another ..Petitioner

vs.

Union of India and others ..Respondents

Mr.S.G.Pillai for petitioner
Mr.R.R.Shetty for respondents.

CORAM: S.C.DHARMADHIKARI J
1st October,2007

P.C.

1. Writ Petition No.2286 of 2005 was filed in this Court challenging the orders passed in O.A.No.597 of 2002 and in Review Petition No.09 of 2003. Both the orders were delivered by Central Administrative Tribunal, Mumbai Bench.

2. The respondents to the writ petition were directed by the Tribunal to fix the pay scale of lift operators and to pay Back wages as per the Recommendations of IVth and Vth Pay Commissions notified by Govt. of India. This Court heard the representative petition of 65 lift operators who are members of the petitioner Union so also Counsel for Union of India and made the following order and issued directions:-

"17. In view of above, we are allowing the present Writ Petition by modifying the orders dated 06.12.02 in O.A. No.597/02 and the Order dated 25.02.03 in Review Petition No.09/03 as under:

(i) The petitioner -Lift Operators will be entitled to be fixed in the pay scale of Rs.260-400/- from 01.01.73 and correspondingly pay scale based upon 4th and 5th Pay Commission.

(ii) The petitioners - Lift Operators annual increments will also be fixed in the revised pay scale.

(iii) The petitioners - Lift Operators, however, will be entitled to backwages as per the Annexure H dated 13.09.01 with effect from 01.01.1973.

18. Rule made partly absolute accordingly. No order as to costs."

The order of this Court is in respect of fixation

of pay scale from 1st January, 1973 based upon the above recommendations with annual increments and back wages as per Annexure H dated 13th September, 1991. The back wages were to be paid with effect from 1st January, 1973 in accordance with Annexure H.

3. In all fairness, I am informed that the Govt. of India has not challenged this order in Hon'ble Supreme Court and has accepted the same and desires to implement the same but request for time to take necessary steps.

4. It is in deed unfortunate that the order passed on 6th October, 2006 by this Court confirming that of the Tribunal delivered as early as on 25th February, 2003 has not been implemented.

5. After taking instructions, the learned Counsel appearing for the respondents, makes a statement that within a period of 3 months from today, the Union of India, Ministry of Defence and other respondents to the petition shall implement the orders passed by this Court and grant benefits thereunder to the petitioners.

6. In the light of this assurance and statement,

which is accepted, the contempt petition is not pursued further. Needless to state that in default of compliance, the petitioners would be at liberty to institute fresh proceedings. Contempt petition is disposed of accordingly.

(S.C.DHARMADHIKARI J.)